HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18476 OF 2007

Between:

Kotha Krishna Murthy and two others

…Petitioners

AND

The Municipal Commissioner,
Tadepalli Gudem Municipality,
Tadepalligudem Town,
West Godavari District

...Respondent

: O R D E R :

Counsel for the petitioners : Shri Meherchand Nori

Counsel for the respondent : Shri S. Nageswara Reddy

August 31, 2007

Per G.S.SINGHVI, CJ

In this petition, the petitioners have made the following substantive prayer:

> "it is therefore prayed that this Hon'ble Court in the interest of justice may be pleased to issue an appropriate Writ, order or direction, particularly in the nature of a Writ of Mandamus declaring the action of the respondents in proceeding with the demolition of our premises bearing (1) Door No. 3-22-1 in R.S.No.115 situated in an extent of 350 sq.yards belonging to the 1st Petitioner wherein a two storied building is in existence, (
> 2) Door No.4-18-33/1/2 (Assessment No.12562A) in an extent of 162 ½ Sq.yards belonging to the 2nd Petitioner wherein a three storied building is in existence and (3) Door No.4-54-1 (Assessment No.12000/489) in R.s.No.386 in an extent of 226 1/3 sq.yards belonging to the 3rd Petitioner wherein a three storied building is in existence, all situated at Guruvuvari street, Tadepalligudem town, Tadepalligudem Municipality, W.G.Dt. without following due process of law as illegal, arbitrary and violative of Art.14, 21 and 300-A of Constitution of India and also violative of Principles of natural justice and consequent direct the respondents not to proceed with the demolition of the above said premises without following the due process of law and pass such other or further orders as are deemed fit and proper."

They have also prayed for grant of interim relief in the following terms.

> "It is also prayed that they Hon'ble Court may be pleased to direct the respondents to desist from proceeding with the demolition of Petitioners' premises bearing (1) Door No. 3-22-1 in R.S.No.115 situated in an extent of 350 sq.yards belonging to the 1st Petitioner wherein a two storied building is in existence,
> (2) Door No.4-18-33/1/2 (Assessment No.12562A) in an extent of 162 ½ Sq.yards belonging to the 2nd Petitioner wherein a three storied building is in existence and (3) Door No.4-54-1 (Assessment No.12000/489) in R.s.No.386 in an extent of 226 1/3 sq.yards belonging to the 3rd Petitioner wherein a three storied building is in existence, all situated at Guruvuvari street, Tadepalligudem town, Tadepalligudem Municipality, W.G.Dt. without following due process of law, pending disposal of the Writ Petition and pass such other or

further orders as are deemed fit and proper."

At the hearing Shri S. Nageswara Reddy, learned counsel for Tadepalligudem Municipality made a statement that the authorities of the municipality are negotiating to take the land of the petitioners for the purpose of road widening. He then gave out that the properties of the petitioners will not be demolished except after taking the same by way of negotiations or by following the procedure prescribed under the Land Acquisition Act, 1894 or the Andhra Pradesh Municipalities Act, 1965.

The statement made by the learned counsel for the respondent is sufficient to allay the fear of the petitioners that they will be forcibly dispossessed or their property will be demolished without following the procedure prescribed by law.

With the above observation, the writ petition is disposed of leaving the petitioners free to file fresh petition, if they feel aggrieved by the procedure, which may be adopted by the concerned authority for acquisition of their land.

As a sequel to disposal of the writ petition, WPMP No. 23715 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

August 31, 2007

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